

PETITION -- HOUSE

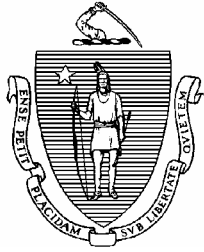
CHIEF SPONSOR:

Representative Hall of Westford

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts
in General Court assembled.*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill or resolve.

[illegible]



The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND FIVE

AN ACT TO PROTECT VOLUNTEER FIREFIGHTERS FROM UNREASONABLE DISCHARGE FROM EMPLOYMENT

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 177B of Chapter 149 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting in place thereof the following new section 177B:

Section 177B. No employer shall discharge or take any other disciplinary action against any employee by reason of failure of such employee to report for work at commencement of his regular working hours where such failure is due to responding to an emergency in his capacity as a volunteer member of a fire department or a rescue/ambulance squad; provided, however, that no such employer shall be required to compensate any such employee for any period of his normal working hours during which for such reason he fails to report to work and at the request of an employer shall submit a statement signed by the chief of such fire department or rescue/ambulance squad certifying the date and time such employee responded to and from such emergency. Such employee shall inform his employer or immediate supervisor of the reasons for such failure.

As used in this section, "responding to an emergency" shall mean responding to, working at the scene of, or returning from a fire, rescue, emergency medical call, hazardous materials incident, or natural disaster, or a call of a fire, rescue, emergency medical call, hazardous materials

incident, or natural disaster, in good faith belief that such action was necessary to prevent the imminent loss of life or property, where either such fire, rescue, emergency medical call, hazardous materials incident, or natural disaster, or a call of a rescue emergency medical call, hazardous materials incident, or natural disaster occurs during a period other than the normal working hours of the employee. And as used in this section “volunteer member” shall mean a volunteer call, reserve, or permanent-intermittent firefighter, but shall not include any person who received compensation for over nine hundred and seventy-five hours of services rendered in such capacity over the preceding six month period.

Any employee who is terminated or against whom any disciplinary action is taken in violation of the provisions of this section shall be immediately reinstated to his former position without reduction of pay, seniority or other benefits, and shall receive any lost pay or other benefits during any period for which termination or other disciplinary action was in effect. An action to enforce the provisions of this section shall be commenced within one year of the date of the alleged violation, in superior court within the county wherein the action occurred or wherein the employer resides or transacts business.

SECTION 2. This act shall take effect upon its passage.